IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19649 of 2004

Between:

1 M.P. Reddy, S/o. Ramchandra Reddy,
APSRTC, Kalwakurthy Bus Depot, Mahabubnagar District.
2 Ch. Yadaiah, S/o. Ramchandraiah,
APSRTC, Kalwakurthy Bus Depot, Mahabubnagar District.

..... PETITIONERS

AND

1 The Regional Manager, APSRTC, Mahabubnagar Region, Mahabubnagar.
2 The Depot Manager, APSRTC, Kalwakurthy Bus Depot, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not giving special grade/Stagnation Increment to the Petitioners with effect from their completion of 12 years of service in APSRTC in total (All Regions) and counting the present region's service of 12 years for Special Grade as arbitrary, illegal, unjust and unreasonable and contrary to the circulars and contrary to the Judgments of this Hon'ble Court and consequently direct the respondents to effect the 12 years stagnation increment/Special Grade to the Petitioners on their completion of 12 Years in all the regions of the corporation and pass such other order or orders.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following :

ORAL ORDER

The Petitioners are working as drivers in the respondents-Corporation. They contend that they have been working continuously for more than 12 years. Therefore, they are entitled to get stagnation increments on completion of 12 years of service. The petitioners further contend that though they made representations for release of stagnation increments, their request was not considered. The petitioners, therefore, approached this Court seeking to declare that they are entitled for stagnation increments on completion of 12 years of service, which they had already completed long prior to the date of the Writ Petition. A similar question arose for consideration in W.P.NO.5726 of 2000 and it was also considered in Writ Appeal No.1301 of 2000 by a Division Bench of this Court which was preferred against the order in the above writ petition and the Division Bench held that the employees, who have completed 12 years of service in the same category irrespective of their transfers, are entitled for stagnation increments and accordingly directed to consider the cases of the petitioners in the Writ Petition No. 5726 of 2000.

In the light of the circumstances explained by the petitioners and in the light of the judgment of a Division Bench in the above Writ Appeal, the respondents are directed to examine whether the petitioners completed the period of 12 years in the same category irrespective of their transfers and on satisfying that they have completed 12 years of service, extend them the benefit of the stagnation increments and pass appropriate orders within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

Dr. G. Yethirajulu, J.

27TH October, 2004.

*TSNR

To

1 The Regional Manager, APSRTC, Mahabubnagar Region, Mahabubnagar.
2 The Depot Manager, APSRTC, Kalwakurthy Bus Depot, Mahabubnagar District.

3 Two C.D. Copies